

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>September 24, 2008</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2008-299-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		

SUBJECT:

DOCKET NO. 2008-299-C - Hargray Wireless, LLC Request Certification of the Use of Universal Service Funds Pursuant to 47 C.F.R 54.314 and Telecommunications Act 254(e) Federal Communications Commission CC Docket No. 96-45 - Discuss with the Commission the Applicant's Letter Requesting Certification to the Federal Communications Commission and the Universal Service Administrative Company Regarding Certification of Support for Rural and Non-Rural High-Cost Carriers

COMMISSION ACTION:

This matter concerns the annual certification, to the FCC and the Universal Services Administrative Company, that Hargray Wireless, LLC will use its Federal High Cost Fund disbursements for the year 2009 in accordance with federal law and regulations. By way of background, this Commission received a letter from the Office of Regulatory Staff requesting that the Commission refrain from issuing the certification letters for the three wireless ETCs in South Carolina until such time as it was able to determine their status with respect to contributions to the South Carolina Universal Service Fund. Subsequent to that request, HTC Wireless and FTC Wireless submitted South Carolina Universal Service Fund Worksheets to the ORS. Counsel for Hargray submitted a letter on August 29, contending that Hargray "is unaware that the Commission has issued any order requiring that Hargray Wireless contribute to the South Carolina Universal Service Fund as would be required by statute." Counsel went on to discuss Commission Order No. 2001-419 and SC Code Ann. §58-9-280(E)(3)(Supp. 2007). The statute referenced calls for "notice and opportunity for hearing" before a wireless carrier may be required to contribute to the SCUSF. Order No. 2001-419 made it clear that the Commission considers the application for Competitive ETC status and its subsequent hearing to be the hearing and notice called for in the statute. Thus Hargray Wireless is required to submit the appropriate worksheet to the Office Of Regulatory Staff and commence payments to the SCUSF. Also, the annual certification to the FCC and USAC are based upon this Commission's finding that Hargray will use the Federal Funds in a manner consistent with Federal Law and FCC regulations. I believe that Hargray Wireless has met the requirements for annual recertification, which is a separate matter from the SCUSF. Therefore, I move:

1. That the Commission find that Hargray Wireless has met the conditions for annual recertification to the FCC and USAC
2. That Commission Staff be directed to issue a certification letter to the FCC and USAC certifying that Hargray Wireless will utilize its payments from the federal USF in accordance with statute and regulation.
3. That Hargray Wireless be ordered to submit the appropriate South Carolina Universal Service Fund Worksheet(s) to ORS for immediate processing.
4. That Hargray Wireless not be required to make retroactive payments to the SCUSF.
5. That Hargray Wireless commence payments to the SCUSF as determined by ORS.

PRESIDING	<u>FLEMING</u>				Session:	Regular
	MOTION	YES	NO	OTHER	Time of Session	<u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED	<u> </u>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS	<u> </u>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<u> </u>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED	<u> </u>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<u> </u>
WHITFIELD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<u> </u>
					SUSPENDED	<u> </u>
					CANCELED	<u> </u>
					SET FOR HEARING	<u> </u>
					ADVISED	<u> </u>

WRIGHT



CARRIED OVER _____

RECORDED BY SCHMIEDING